

REMARKS

Careful examination of the application is sincerely appreciated.

According to the Office Action, claims 1 and 3-8 were rejected under 35 USC 112.

Applicant regrets the typographical error in the previously amended claims. It is believed that claims 1 and 3-8, as corrected, now fully comply with 35 USC 112, and withdrawal of the rejection is respectfully requested.

Further according to the Office Action, claims 1 and 3-8 were rejected under 35 U.S.C. §103 as being obvious over U.S. Patent No. 6,330,597 (Collin) in light of U.S. Published Application 2004/0078284 (Musgrove). Applicant respectfully traverses the rejections for the following reasons.

Collin is directed to a system and method for monitoring, controlling, or configuring communication parameters between two communication devices. In particular, according to Collin, a software module interacts with the communications link and adjusts the parameters of one or both communications devices based on retrieved parameters and/or data passing through the link.

In the Office Action, the Examiner concedes that Collin fails to teach or suggest, among other things, that **“interface intercepts an [HTML]-based communication between the data processing device and the network access device, and routes said communication to a web server which enables the data processing device to be configured manually or automatically”** as recited in Applicant’s claim 1, for example. To cure this deficiency, the Examiner relies on Musgrove.

Musgrove is directed to an e-commerce system that includes client computer 12, being coupled to the Internet 100 and executing a browser application 14, and shopping server 20, also being coupled to the Internet 100 and executing a Web server control application 22.

The Examiner points out paragraph [0041] of Musgrove as allegedly supplementing Collin. According to the Examiner, Musgrove's proxy server intercepts communication between a client and a web server and routes the communication to the web server.

What the Examiner fails to address is the fact that Musgrove's proxy server does not enable the data processing device to be configured manually or automatically, as recited in Applicant's claim 1. Clearly, Musgrove's proxy server has nothing to do with that feature of Applicant's invention. If the Examiner disagrees, she is respectfully requested to particularly point out where in Musgrove's paragraph [0041] the above feature, as recited in Applicant's claim 1, can allegedly be found.

In addition, it is respectfully submitted that the Examiner does not provide any credible suggestion or motivation to supplement Collins with Musgrove. The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. 103 is set forth in MPEP § 706.02(j):

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, if the above-identified criteria are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

More specifically, Collin's computer communication system monitors, controls and diagnoses inefficiencies in communication parameters while one computer system communicates with another computer system. It is not clear as to how Musgrove's proxy server fits in Collin. Why would a skilled artisan, equipped with the knowledge of the Collin patent, look to a proxy server? Why would a skilled artisan make a secure access to internal settings via a proxy server in order to monitor, control and diagnose inefficiencies in communication parameters? Collin does not deal with e-commerce and has absolutely no need for secure communication, in contrast to Musgrove. In fact, nowhere does Collin mention secure communication because it makes no sense. Hence, contrary to the Examiner's assertion in the Office Action, there is no motivation or suggestion to augment Collin with the teaching of Musgrove because the two references are incompatible.

At least for the above reasons, Applicant submits that the rejection of claim 1 has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claim.

Analysis of independent claims 5 and 8 is analogous to the one of claim 1, as presented hereinabove. To avoid repetition, claims 5 and 8 will not be discussed in detail with the understanding that they are patentable at least for the same reasons as claim 1. Applicant, therefore, respectfully requests withdrawal of the rejection and allowance of claims 5 and 8.

Claims 3, 4, 6 and 7 depend, either directly or indirectly, from independent claims 1 and 5, which have been shown to be allowable over the prior art reference. Accordingly, these claims

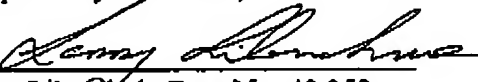
are also allowable by virtue of their dependency from the allowable base claims. Applicant submits that the reason for the rejection of claims 3, 4, 6 and 7 has been overcome and respectfully requests withdrawal of the rejection and allowance of those claims.

An earnest effort has been made to be fully responsive to the Examiner's correspondence and advance the prosecution of this case. In view of the above amendments and remarks, it is believed that the present application is in condition for allowance, and an early notice thereof is earnestly solicited. However, if for any reason this application is not considered to be in condition for allowance, the Examiner is respectfully requested to call the undersigned attorney at the number listed below prior to issuing a further Action.

Please charge any additional fees associated with this application to Deposit Account No. 14-1270.

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Respectfully submitted,

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